IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

NOTICE OF MOTION NO. 226 OF 2006

IN

SUMMARY SUIT NO. 934 OF 2003

Gwalior Chemical Industries Ltd .....**Plffs.**
vs.
Sunil Das .....**Defnds.**

C.N. Mehta for the plaintiffs to show cause.
K.V. Tenuse for the defendants in support of Notice of Motion.

CORAM: S.U. KAMDAR, J.

DATE : 31st January,2006.

P.C. :.

1. By consent of the parties motion made returnable forthwith.

2. The only ground for setting aside the ex-parte decree is that the postal authority did not give intimation and therefore he did not claim the

packet which is supposed to have been delivered. It is not possible to accept the contention that the postal authority in the normal course of business has without giving intimation has returned the packet saying ‘unclaimed’. There is no substance in the motion. Motion dismissed.

sd/-

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